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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

IL-10406

In re Application of: **Robin R. Miles, et al.**Application No.: **09/737,542**Filed: **12/14/00**For: **Impedance Measurements for Detecting Pathogens Attached to Antibodies****The Regents of the University**

The owner\* of California, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/737,927, filed on 12/14/00, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

02/20/2004 BSYASI1 00000116 120695 09737542

 2/11/2004

Signature

Date

01 FC:2816 55.00 DA

Eddie E. Scott

Typed or printed name

(925) 424-6897

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included. **\$55.00**

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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I hereby certify that the following attached

1. Fee for Terminal Disclaimer
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is being deposited with the United States Postal Service as first class mail on the date indicated below and is addressed to Commissioner for Patents, Alexandria, VA 22313-1450.

February 11, 2004

Date

*Kathy Raymond*

Kathy Raymond

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant :	Robin R. Miles et al	Docket No. :	IL-10406
Serial No. :	09/737,542	Art Unit :	1641
Filed :	12/14/2000	Examiner :	Kartic Padmanabhan
For :	IMPEDANCE MEASUREMENTS FOR DETECTING PATHOGENS ATTACHED TO ANTIBODIES		

Commissioner of Patents  
Alexandria, VA 22313-1450

*FEB 25 2004*

AUTHORIZATION FOR FEE PAYMENT FOR  
TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION

1. A response in connection with the matter for which this authorization is provided:
  - is filed herewith
  - has been filed.
  - the response is the filing of a file wrapper or other continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.
2. Applicant is
  - a small entity - verified statement:
    - attached
    - already filed.
    - other than a small entity

3. Fee Payment

- Charge Account No. 12-0695 in the amount of \$55.00
- Charge Account No. 12-0695 for any additional extension and/or fee required or credit for any excess fee paid.

Dated: February 11, 2004

Reg No.: 25,220

Tel. No.: (925) 424-6897



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FEB 25 2004